

July 10, 2008

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 10th day of July at 8:00 P.M., and there were

PRESENT: MARK AQUINO, MEMBER
 JAMES PERRY, MEMBER
 LAWRENCE PIGNATARO, MEMBER
 RICHARD QUINN, MEMBER
 ARLIE SCHWAN, MEMBER
 ROBERT THILL, MEMBER
 JEFFREY LEHRBACH, CHAIRMAN

ABSENT: NONE

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK
 LEONARD CAMPISANO, ASST. BUILDING INSPECTOR

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF PAUL & DEBRA GRZYBOWSKI

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the adjourned petition of Paul and Debra Grzybowski, 503 Aurora Street, Lancaster, New York 14086 for one [1] variance for the purpose of constructing an attached garage to a private residence owned by the petitioners at 503 Aurora Street, Lancaster New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 17A.(2) of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Aurora Street with an exterior side yard [considered a front yard equivalent] fronting on Willow Ridge Lane. The location of the proposed addition will result in an eight [8] foot north exterior side yard set back on Willow Ridge Lane.

Chapter 50, Zoning, Section 17A.(2) of the Code of the Town of Lancaster requires a thirty five [35] foot exterior side yard set back on Willow Ridge Lane. The petitioners, therefore, request a twenty seven [27] foot north exterior side yard set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Paul Grzybowski	Petitioner
Ed Grzybowski	Proponent

IN THE MATTER OF THE PETITION OF PAUL & DEBRA GRZYBOWSKI

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY MR. PERRY
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Paul and Debra Grzybowski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of July 2008, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought. It is noted that this is a very unique corner lot situation; the Willow Ridge Subdivision and Willow Ridge Lane were developed many years after the house was built at 503 Aurora Street. (Mr. Thill Dissents)

That no detriment to nearby properties will be created by the granting of the area variance relief sought; there are a variety of uses on Aurora Street such as retail, automotive and home occupation.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial, however it does not preclude the granting of the variance.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. (Mr. Thill Dissents)

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought. It is noted that there was previously a garage located at the site of the proposed garage.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. AQUINO	VOTED YES
MR. PERRY	VOTED YES
MR. PIGNATARO	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED NO
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

July 10, 2008

PETITION OF ROBERT & SHARON MICHALSKI:

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Robert and Sharon Michalski, 598 Harris Hill Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a detached garage on property owned by the petitioners at 598 Harris Hill Road, Lancaster New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 17A.(3) of the Code of the Town of Lancaster. The location of the proposed garage will result in an eleven [11] foot front yard set back on Harris Hill Road.

Chapter 50, Zoning, Section 17A.(3) of the Code of the Town of Lancaster requires a thirty five [35] foot front yard set back on Harris Hill Road. The petitioners, therefore, request a twenty four [24] foot front yard set back variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 10.D.(4) of the Code of the Town of Lancaster. The area of the proposed garage is 864 square feet.

Chapter 50, Zoning, Section 10.D.(4) of the Code of the Town of Lancaster limits the area of accessory structures to seven hundred fifty [750] square feet. The petitioners, therefore, request a 114 square foot variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Robert Michalski

Petitioner

IN THE MATTER OF THE PETITION OF ROBERT & SHARON MICHALSKI

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. SCHWAN, WHO MOVED ITS
ADOPTION, SECONDED BY MR. PERRY
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Robert & Sharon Michalski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of July 2008, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of proposed zoning action and has made no recommendation.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That safety will be enhanced by the addition of a turnaround driveway.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. AQUINO	VOTED YES
MR. PERRY	VOTED YES
MR. PIGNATARO	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

July 10, 2008

PETITION OF KEVIN SITTNIEWSKI:

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of of Kevin Sittniewski, 2 Cobblestone Court, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a six [6] foot high fence in a required open space area on premises owned by the petitioner at 2 Cobblestone Court, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Cobblestone Court with an exterior side yard [considered a front yard equivalent] fronting on Michael's Walk. The petitioner proposes to erect a six [6] foot high fence within the required open space area of the exterior side yard fronting on Michael's Walk.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard [considered a front yard equivalent] to three [3] feet in height. The petitioner, therefore, requests a three [3] foot fence height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Kevin Sittniewski

Petitioner

IN THE MATTER OF THE PETITION OF KEVIN SITTNIEWSKI

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. THILL, WHO MOVED ITS
ADOPTION, SECONDED BY MR. PIGNATARO
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Kevin Sittniewski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of July 2008, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

WHEREAS, the property for which the applicant is petitioning is within a Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That the petitioner has amended the survey drawing of the variance request to a degree less than that which was noticed by the Town of Lancaster in the Legal Notice and has initialed said changes which are on file with the Town Clerk; namely a lessening of the ten foot intrusion into the side yard to a five foot intrusion into the side yard and a movement of the fence approximately parallel to Michael's Walk.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. AQUINO	VOTED YES
MR. PERRY	VOTED YES
MR. PIGNATARO	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

July 10, 2008

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 9:10 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: July 10, 2008

